



FACT SHEET ON LEGAL DEFENSE FUNDS DISCLOSURE OF PENDING MATTERS

Recent amendments to the City's Election Campaign Control Ordinance include new laws regarding the establishment of legal defense funds. This fact sheet is designed to help candidates and committees gain a better understanding of these new laws, but should not be considered a substitute for the actual language of San Diego Municipal Code sections 27.2965 – 27.2969, which took effect on January 5, 2005.

- ❖ Contributors who have matters pending before a City Official or candidate must accompany each contribution to the City Official's or candidate's legal defense fund with a written disclosure detailing the particulars of the pending matter. When reporting legal defense fund activity, the City Official or candidate must attach a copy of each disclosure form. Forms indicating that contributors have nothing to disclose should not be filed with the City Clerk, but should be maintained by the Committee.
- ❖ If the City Official or candidate is an elected member of a legislative body such as the City Council, or a Council staff member, pending matters generally include:
 - applications by private businesses for discretionary funding or discretionary entitlements
 - leases, agreements, or contracts between a private business and the City
 - any discretionary decision on a land development permit, map or other land use matter
- ❖ If the City Official or candidate is a member or employee of a governmental board, commission, department, or agency, pending matters include any matters that are subject to the member's or employee's discretionary oversight.
- ❖ If the City Official or candidate is an official or employee in a public law firm, such as the City Attorney, pending matters include any of the matters identified above as well as any claims or lawsuits filed against the City for any type of damage or injury and any other matter under review by an attorney in the office.
- ❖ A contributor must disclose a pending matter if the contributor has an ownership interest of 10% or more in any type of entity that has a pending matter.
- ❖ Contributors are not required to disclose matters that other public agencies may have pending. Public agencies include any other governmental agency as well as other City departments, boards, and commissions.
- ❖ If a contributor is representing another party that has a pending matter, the contributor is not required to disclose this pending matter.
- ❖ A contributor is only required to disclose matters that are pending. In general, once action has been taken by the City Council or other government body, the matter is no longer pending. Exceptions may include situations in which renegotiation provisions in contracts or agreements have been triggered.

For additional information, please contact the Ethics Commission at (619) 533-3476.